# Remarks

Claims 1-11 remain pending in this application after entry of this paper. Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hendricks (U.S. Patent No. 6,201,536). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Mimura (U.S. Patent No. 6,557,031). Applicants believe that the invention is patentable.

Claim 1 recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network. The service provider broadcasts video through the broadband digital terminal to the set top box. The method further comprises sending a private data packet from the service provider, over the network to the set top box. The private data packet contains application interface information and contains the service provider address. The method further comprises establishing an impulse pay-per-view communication path between the set top box and the service provider based upon the address to allow interactive programming between the service provider and the set top box.

Claim 1 specifically recites sending the private data packet in addition to the broadcast video from the service provider, over the network and through the broadband digital terminal to the set top box, and further recites that the packet contains application interface information for the service provider and contains the service provider address. This allows the establishing of the impulse pay-per-view communication path between the set top box and the service provider to allow interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.

Hendricks fails to suggest the invention. Hendricks describes a network manager for cable television system head ends. Hendricks relates to managing and

coordinating the reception of various programming and control signals at a head end. Hendricks does mention the accommodation of system services including video on demand and the generation of standard and custom menus. However, Hendricks fails to suggest the claimed invention.

It is to be appreciated that claim 1 specifically recites sending the private data packet in addition to the broadcast video from the service provider, establishing the impulse pay-per-view communication path between the set top box and the service provider, among other related limitations. Hendricks fails to suggest these features.

Hendricks does mention operations center 202 where program packaging and control information are created and then assembled in the form of digital data. The impulse pay-per-view communication discussed in Hendricks relates to connections between the head end and a set top terminal and fails to suggest the particular arrangement recited by claim 1. Claim 1 recites more than a customer connection to the broadband digital terminal, claim 1 specifically recites an impulse pay-per-view communication path from the set top box all the way to the service provider which is made possible by the use of the private data packet containing the application interface information and the service provider address.

In Hendricks, the impulse connection is from the set top terminal to the head end. There is no suggestion of the level of interactive programming contemplated by the invention. This is evidenced by Hendricks simplification of incoming ATM feeds 226 in Figure 1.

With regard to sending a private data packet in addition to the broadcast video from the service provider, the Examiner makes reference to OC 202 (column 8, lines 8-34). OC 202 does package programs and this is described in column 8. Hendricks does discuss flexibility in the packaging, for example, packaging the same programs into different categories and menus. There is no suggestion of the specifically claimed private data packet.

With regard to establishing the impulse pay-per-view communication path, the Examiner makes reference to column 24, lines 12-33. This portion of Hendricks does discuss IPPV/VOD. However, claim 1 recites the specific combination involving the use of a private data packet and establishing of an impulse pay-per-view communication path between the service provider and the set top box.

Claims 2-4 are dependent claims and are also believed to be patentable.

Claim 5 is an independent claim for a system of the invention and is also believed to be patentable. Claim 5 recites similar subject matter as independent claim 1 including the use of the private data packet containing application interface information and the destination address as well as establishing an impulse pay-per-view data path extending from the set top box to the broadband digital terminal.

Claims 6-11 are dependent claims and are also believed to be patentable.

Allowance of claims 1-11 is respectfully requested.

Respectfully submitted,

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